

1. Plaintiff challenges the Service's March 8, 2024, withdrawal of its biological opinion supporting BLM's grant of a right-of-way for the Northern Corridor Highway Project ("ROW"). *See* ECF No. 2. The lawsuit also challenges the Service's and the BLM's reinitiation of consultation and withdrawal of the Northern Corridor biological opinion ("Northern Corridor BiOp") under Section 7 of the Endangered Species Act ("ESA"). *Id.* Plaintiff seeks declaratory and injunctive relief enjoining the Service from enforcing the Northern Corridor changed circumstance conservation measures contained in the 2021 incidental take permit where no Northern Corridor BiOp is issued; Plaintiff further seeks to require the Service to reverse its withdrawal of the Northern Corridor BiOp. *Id.*
2. Defendants deny that the agencies' decision are arbitrary, capricious, or otherwise contrary to law and deny that Plaintiff is entitled to this or any other relief. ECF No. 22.
3. As explained in Defendants' statement of position denying arbitrary and capricious action, Defendants anticipate taking action that they contend will moot Plaintiff's claims. *Id.*
4. For these reasons, the Parties stipulate to stay the current lawsuit until February 18, 2025.
5. The Parties recognize that Plaintiff might seek to amend its complaint in response to the new decision. If Plaintiff seeks to amend its complaint, Plaintiff will confer with Defendants 10 days in advance of February 18, 2025 about its proposed plans.
6. Plaintiff will advise the Court regarding its plan to proceed on the basis of the existing complaint, seek amendment, or seek dismissal on or before February 18, 2025.

November 3, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed and served the foregoing with the Clerk of the Court for the United States District Court for the District of Utah using the CM/ECF system.

/s/ Rickey D. Turner, Jr.
Attorney for Defendants